

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – A.P.Civil Services (Executive Branch) Rules, 1992 – Promotions of Tahsildars, Section Officers of Secretariat and Superintendents of office of the Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad as Deputy Collectors as per seniority – Promotions - Accorded - Orders – Issued.

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REVENUE (SER.I) DEPARTMENT

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G.O. Ms. No. 406

Dated : 26.06.2012.

Read the following :-

1. G.O.Ms.No.215, Revenue(Ser.I)Department, dated : 23.3.2011.
2. From the Spl.CS & Chief Commissioner of Land Administration, Lr.No. D1/1750/2011, dated : 10.06.2011.
3. Orders of Hon'ble Tribunal, in OA No. 3041/2011 filed by Sri D.Venu Gopal, Tahsildar, Srikakulam District, dated : 11.5.2011.
4. C.A.No.1682/2011 in OA No. 3041/2011 filed by Sri D.Venu Gopal, Tahsildar, Srikakulam District, dated : 20.12.2011.
5. From the Spl.CS & Chief Commissioner of Land Administration, Lr.No. D1/1750/2010, dated : 17.01.2012.

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ORDER :

In the reference 1<sup>st</sup> read above, Government have accorded adhoc promotions to the 94 Tahsildars including Section Officers and Superintendents to the category of Deputy Collectors for the panel year 2010-11, basing on the seniority list proposed by Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad.

2. In the reference 2<sup>nd</sup> read above It is submitted that the Spl.CS & Chief Commissioner of Land Administration in his letter, has stated that the Hon'ble APAT in its orders dated 11.05.2011 in OA No. 3041 of 2011 filed by Sri D.Venu Gopal, Tahsildar, Ichapuram Mandal of Srikakulam District issued orders that "Pending disposal of the OA there shall be a direction to the respondents to consider the claim of the applicant for promotion to the post of Deputy Collector in furtherance of his name being approved by the DPC without reference to the Charge Memo in Rc.No. 848/2011 A2, dated 25.03.2011 and appropriate orders be passed within a period of 4 weeks from the date of receipt of a copy of the order."

3. The Special Chief Secretary and Chief Commissioner of Land Administration has also informed that the DPC for Deputy Collectors convened on 20.11.2010 included the name of Sri D.Venugopal, Tahsildar, Ichapuram Mandal of Srikakulam District in the panel of Deputy Collectors for the year 2010-2011 at Sl.No. 21 against Roster Point No. 50 and promotion deferred due to pendency of disciplinary case and requested to consider the promotion of Sri D. Venugopal, Tahsildar, Ichapuram(M), Srikakulam District to the post of Dy.Collector subject to outcome of OA No.3041/2011 of Hon'ble APAT.

4. Sri S.Dayanand, Spl.Grade Deputy Collector has filed WP No.29053/10 in the High Court and the High Court in its interim orders in WP MP No.37015/10 dated 1.12.2010 directed the respondents to effect the promotions based on the seniority list but however, shall not review the panel, pending further orders.

5. The issue has been examined earlier, in consultation with the Law Department and they have advised that due to interim orders of the Hon'ble High Court, there is no objection to accord promotion to the category of Deputy Collectors, basing on the seniority list issued and not permissible to review the panels of the Deputy Collectors so long as the interim orders are in force. As per advice of Law Department the names of Tahsildars, Section Officers and Superintendents included in the panel of 2010-11 and were

considered for grant of temporary promotions to the category of Deputy Collectors as per seniority, subject to outcome of the court cases.

6. In the reference 5<sup>th</sup> read above, the Chief Commissioner of Land Administration has informed that the name of the applicant, Sri D.Venugopal has come up for consideration and inclusion in the panel of Deputy Collectors for the year 2003-04 as per the revised seniority list of Tahsildars of Zone.I. Accordingly, the DPC held on 20.11.2010 was included in the name of the individual in the panel of Deputy Collectors for the year 2003-04 and deferred due to disciplinary case in terms of G.O.Ms.No.257, G.A.(Ser.C)Department, dated 10.06.1999 since article of charge were issued to the individual and report was sent to Government, vide their letter, dated 27.11.2010. The Spl.CS & Chief Commissioner of Land Administration has also stated that keeping in view of the Hon'ble APAT directions in OA No. 3041/2011 dated 11.5.2011 a detailed report has been submitted to the Government recommending to consider the applicant for promotion to the post of Deputy Collector and now it is to be decided by the Government to give promotion to the applicant in pursuance of the APAT directions without reference to the disciplinary case since Government alone are competent and requested the Government to pass appropriate orders in the matter in terms of the orders of Hon'ble Tribunal.

7. The provisions of Rule 5 of the A.P.State & Subordinate Service Rules, 1996 is as follows :-

***"SELECTION POSTS : (a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds on merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf.***

8. As per Rule 6(c) of A.P.State & Subordinate Service Rules, 1996, "The panel of candidates for promotion or appointment by transfer to a service or class of a service and which shall ceased to be in force on the afternoon of the 31st December of the succeeding year or till the next panel is prepared which is earlier..."

9. The Government after careful examination and on the analogy of the orders issued in G.O.1<sup>st</sup> read above, the adhoc promotion accorded to Sri D.Venu Gopal, Tahsildar as recommended by the Spl.CS & CCLA hereby considered in the cadre of Deputy Collector for the panel year 2010-11, basing on the seniority list with the following condition duly relaxation of Rule 6(c) of A.P.State & Subordinate Service Rules, 1996 :-

*"subject to outcome of OA No. 8082/10 and WP No. 29053/10 pending in the APAT, the High Court respectively and any other cases pending before any court of law and also subject to outcome of disciplinary proceedings pending against him"*

10. The posting orders to the individual will be issued separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA  
PRL.SECRETARY TO GOVERNMENT

To  
The Spl.CS & Chief Commissioner of Land Administration, Hyderabad.  
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER